

★ JUL 16 2018 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ELAINE GUTIERREZ,

BROOKLYN OFFICE

Plaintiff,

-against-

**ORDER ADOPTING REPORT
AND RECOMMENDATION**
17-cv-0532 (AMD) (VMS)

TAXI CLUB MANAGEMENT, INC., EVGENY
“GENE” FREIDMAN AND ANDREEA
DUMITRU PARCALABOIU,

Defendants.

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Ann M. Donnelly, United States District Judge:

On January 30, 2017, the plaintiff, Elaine Gutierrez, commenced this action against the defendants, Taxi Club Management, Inc., and Evgeny “Gene” Friedman.¹ (ECF No. 1.) On March 29, 2017, the defendants filed an answer and affirmative defenses. (ECF No. 15.) On May 25, 2017, the Honorable Vera M. Scanlon held an initial conference, at which the defendants failed to appear. On July 13, 2017, the plaintiff filed a motion for default judgment. (ECF No. 22.) At a February 9, 2018 hearing, Judge Scanlon conducted an inquest on damages. (ECF No. 38.) On April 6, 2018, the plaintiff filed a motion for damages, attorneys’ fees, costs, and pre- and post-judgment interest. (ECF No. 43.) On June 25, 2018, Judge Scanlon issued a Report and Recommendation in which she recommended the following: (1) that the defendants’ answer be stricken; (2) that default judgment be granted against Taxi Club Management for the sexual harassment claim under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e *et seq.* (“Title VII”), the New York State Human Rights Law (“NYSHRL”), and the New York City Human Rights Law (“NYCHRL”); (3) that default judgement be granted against Friedman

¹ The plaintiff also named Andreea Dumitru Parcalaboiu as a defendant, but on January 11, 2018, the plaintiff dismissed the claims against her with prejudice. (ECF No. 35.)

for the sexual harassment claim under NYSHRL and NYCHRL; (4) that default judgment be granted against Taxi Club Management for the retaliation claim under Title VII, NYSHRL, and NYCHRL; (5) that the plaintiff be awarded a total of \$1,340,914.97 in the following categories: (i) \$425,032.19 in compensatory damages (\$99,701.11 in back pay, \$195,331.08 in front pay, and \$130,000 in emotional distress damages), (ii) \$850,000 in punitive damages, (iii) \$1,168.64 in pre-judgment interest, and (iv) \$62,422 in attorneys' fees and \$2,292.14 in costs; and (6) that pre-judgment interest accrue from June 16, 2018, until entry of judgment, and that post-judgment interest accrue after the entry of judgment. No objections have been filed to the Report and Recommendation, and the time for doing so has passed. (*See* ECF No. 47.)

In reviewing a Report and Recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Where, as here, no party has objected to the magistrate judge's recommendation, "a district court need only satisfy itself that there is no clear error on the face of the record." *Urena v. New York*, 160 F.Supp.2d 606, 609-10 (S.D.N.Y. 2001) (quoting *Nelson v. Smith*, 618 F.Supp. 1186, 1189 (S.D.N.Y. 1985)).

Judge Scanlon wrote a thorough and well-reasoned Report and Recommendation, which I review for clear error; there is none. Accordingly, I adopt the Report and Recommendation in its entirety. The defendants' answer is stricken; default judgment is granted against Taxi Club Management for sexual harassment under Title VII, NYSHRL, and NYCHRL, and for retaliation under NYSHRL and NYCHRL; default judgment is granted against Freidman for sexual harassment under NYSHRL and NYCHRL; and the plaintiff is awarded \$1,340,914.97 in compensatory and punitive damages, attorneys' fees, costs, and pre-judgment interest, and is also

entitled to pre-judgment interest from June 16, 2018, until the entry of judgment, and post-judgment interest at the statutory rate commencing thereafter.

SO ORDERED.

s/Ann M. Donnelly

Ann M. Donnelly
United States District Judge

Dated: Brooklyn, New York
July 16, 2018